

REMARKS

Claims 1-26 are pending in the present application. Claims 1, 15, and 24 have been amended. Reconsideration of the rejection of the application is respectfully requested in view of the following remarks.

Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-2, 4-6, 15, and 20-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,748,084 to Isikoff ("Isikoff"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Isikoff in view of "Official Notice." Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Isikoff in view of U.S. Publication No. 20020194500 to Bajikar ("Bajikar"). Claims 7, 11-13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Isikoff in view of "Windows NT Server 4 Security Handbook," 1997 to Hadfield et al. ("Hadfield"). Claims 8-10 and 17-19 rejected under 35 U.S.C. § 103(a) as being unpatentable over Isikoff in view of Hadfield and U.S. Patent No. 6,438,690 to Patel et al. ("Patel") and "Protecting Laptops with iKey and Intel Protected Access Architecture" by Rainbow Technologies ("Rainbow"). Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Isikoff in view of Hadfield, Patel, and further in view of Bajikar. Claim 24 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,166,688 to Cromer et al. ("Cromer"). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer in view of Isikoff. Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cromer in view of Hadfield and Patel.

Embodiments of the present invention concern a radio location based theft recovery mechanism. In one embodiment, a locator subsystem is provided connected to a host chipset to determine a current location of a mobile system. A main storage is provided that contains an application configured to access the locator subsystem and determine whether the mobile system may have been stolen or used inappropriately based on security policies. Claims 1 and 15 have been amended to bring out that in determining whether the mobile system may have been stolen or used inappropriately, such a determination is based on the current location of the mobile system and the security policies.

In the current Office Action, the previous arguments are addressed by the Examiner by stating as follows: "Applicant argues that Isikoff fails to teach or suggest a locator subsystem, a feature of each of independent claims 1 and 15 and claims 2-14 and 16-23 depend from and further define these claims The examiner does not find the argument persuasive and points to Isikoff's, col. 10, lines 26-31, wherein Isikoff's teach a GPS receiver." The entire paragraph with the cited text underlined of Isikoff is as follows:

Specifically, when the received pager message indicates theft, the activation logic may pass an output actuation signal to immediately initiate low-level or bios security functions, and also activate transmitter 208 to broadcast the ID number stored in ROM 210. In general, data reception capabilities of this embodiment may be limited, but the pager-based beacon may also receive designations of files, and may include or interface with a simple security control unit to effect the disabling, selective erasure or file encryption operations described above for securing data. A second antenna 60a may be provided for the pager transmitter 208 if necessary for a distinct transmission frequency; the pager antenna(e) may be distinct from that of the cellular phone if one is present in the laptop. The ID may be sent out in the pager transmitter's call-received acknowledgement protocol, confirming reception of the "stolen" message. To aid in the tracking process, a GPS receiver may be included in some embodiments and the transmitter may transmit its position coordinates; a separate transmitter or a pager transmitter configured to transmit these few additional data words may be used.

Isikoff fails to teach or suggest the use of a locator subsystem as recited in claims 1 and 15. Looking at Fig. 6 (and Col. 9, line 64 to Col. 10, line 31), Isikoff describes a receiver 202 with an antenna 60. This device receives pager messages from an external broadcast system. (see, e.g., Col. 4, line 62 to Col. 5, line 11). In particular, it receives signals from a beacon. The signal received by antenna 60 will include an identification signal for the external beacon. The received message may also indicate that the device of Fig. 6 has been stolen (see Col. 10, lines 6-8). Thus, if the received pager message indicates theft, then the device of Fig. 6 will take certain actions. One of those actions, as indicated in the text cited in the Office Action, is to transmit position coordinates in addition to confirming receipt of the “stolen” message.

Claims 1 and 15 state that the determination of whether the mobile system may have been stolen or used inappropriately is based on the current location of the mobile system as determined in the mobile system. In Isikoff, the determination of whether the mobile device is stolen is performed by devices external to the device. As indicated in the previous Response, doing so delays any corrective action that may be taken to prevent further losses. The remaining cited references fail to teach or suggest this feature as well, and the Office Action does not appear to rely on these other references for such a purpose. Accordingly reconsideration and withdrawal of the rejection of claims 1-23 under 35 U.S.C. § 102(b) and 103(a) is respectfully requested.

With respect to claims 24-26, the current Office Action states that the “arguments regarding the amended claims 24-26 are addressed within this Office Action.” Paragraph 16 of the Office Action recites the rejection of claim 24, however Paragraph 16 is exactly the same text as paragraph 23 of the previous Office Action. Likewise, paragraph 22 of the Office Action addresses the rejection of claim 25, but this paragraph is exactly the same as paragraph 29 of the

previous Office Action. Also, paragraph 23 of the Office Action addresses the rejection of claim 26, but this paragraph is exactly the same as paragraph 30 of the previous Office Action.

Accordingly, though Applicant amended claim 24 (from which claims 25 and 26 depend), the current Office Action simply repeats the rejection of the prior version of claim 24 without addressing the amendment or arguments. In view of this and MPEP § 706.07, Applicant respectfully requests that the Examiner consider the amendments made to claim 24 and the arguments submitted. In view of the amendments and arguments, Application respectfully requests reconsideration and withdrawal of the rejection of claims 24-26 under 35 U.S.C. § 102(b) and 103(a).

Conclusion

Applicant respectfully requests entry of the above amendments and favorable action in connection with this application.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any fees required under 37 C.F.R. §§ 1.16 or 1.17 or credit any overpayment to Kenyon and Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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Date: February 8, 2006



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